



Oklahoma City

Community  
Foundation

# the adviser

a newsletter for financial planning professionals

February 1997

## BARNSTORMING AND TRAILBLAZING

BRONETA EVANS HELPED SHAPE OKLAHOMA'S PAST, PROVIDED FOR ITS FUTURE



▲  
ABOVE: BRONETA DAVIS EVANS, PICTURED JUST BEFORE HER 69TH BIRTHDAY CROSS-COUNTRY FLIGHT IN 1976.

**B**roneta Evans was a trailblazer in Oklahoma's rich aviation history. Hers may not be a household name—she wasn't a business tycoon or an heiress. Nevertheless, in her own way, Broneta Evans helped shape history during her lifetime, and had the wisdom to ensure that her legacy would continue long after her death.

Broneta decided to perpetuate her passion for flying by establishing a Name Fund in 1986 to benefit the Oklahoma Air Space Museum's endowment fund. When she died in 1994, she made a bequest to the Community Foundation's discretionary fund, the Fund for Oklahoma City, to support the future needs of the area. She knew that she could not know where her money would be most needed in the future, but that the Community Foundation would continue to direct it to fill community needs as they arise.

The Oklahoma City Community Foundation works with hundreds of donors, large and small, to help them meet their charitable giving goals. Behind each donation is the story of an Oklahoman who wishes to perpetuate their support of the community through the Community Foundation. Broneta Evans' is one such story.

**S**he was born in 1907 in Story, Okla., and married Tod Davis of Minco in 1927. Together they owned Davis Auto Supply in Minco and were farmers and ranchers.

They shared a love of flying in the "barnstorming" early days of aviation. They would take off on weekends in their OX-5 Eaglerock, with its open cockpit, over the Oklahoma farmlands, never venturing outside a 50 mile radius. Broneta once said she hated flying in those days—she hated the open cockpits, the lack of navigational instruments, and having to stuff her long curls into a helmet. But those short adventures in the Oklahoma sky must have hooked her, for she continued to fly for the next half-century, even after the death of her husband.

She and her husband owned more than a dozen airplanes over the years, and as the technology improved, so did Broneta's love of flying. They used their planes like most people use their cars—flying to remote spots on their farm to check machinery, fences and cattle. And often, Broneta would pilot the plane while her husband hunted coyotes from the air! Broneta would worry on their way home that no one would be

there to chase the cattle, sheep and chickens off the runway, a stunt they eventually trained their dog to perform.

Broneta learned to fly during the pioneer days for women aviators. The Ninety-Nines, an international female pilot's organization, had formed with Amelia Earhart as president in 1929, right around the time Broneta made her first solo flight. Broneta was president of that organization nearly 30 years later. The first annual Women's Air Derby, a transcontinental air race, was also held in 1929 and dubbed the "Powder Puff Derby" by Oklahoman Will Rogers. Broneta competed in three of these races, including the last derby, held just days before her 69th birthday.

Broneta was also one of three Oklahoma women chosen as Civil Air Patrol pilots to fly search missions during World War II.

"Flying opened up a whole new world for me—I think often about all that I would have missed had it not been for my flying," she once said.

Broneta Davis Evans witnessed history in the making with her fellow trailblazing female pilots. She conquered the challenges put before her, and wanted to ensure that her money would be around to meet the unseen challenges of the future through her Name Fund at the Community Foundation. She trusted the Community Foundation to manage her money wisely, to maximize its effectiveness and to constantly strive to meet the changing needs of her community. □

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**OKLAHOMA CITY COMMUNITY FOUNDATION, INC.**  
*Statement of Activities and Changes in Net Assets Arising from Cash Transactions*

	Six Months Ended December 31, 1996	Year Ended June 30, 1996
<b>REVENUE AND SUPPORT</b>		
Contributions received	\$ 6,153,071	\$ 8,836,977
Investment income	2,783,725	5,435,161
Net investment gains	7,746,252	15,011,103
Other income	4,850	27,137
	<hr/>	<hr/>
<b>TOTAL REVENUE AND SUPPORT</b>	16,687,898	29,310,378
<b>EXPENSES AND DISTRIBUTIONS</b>		
Grants and program services	2,851,095	5,993,401
Investment management fees	169,484	308,201
General and administrative	388,586	615,377
	<hr/>	<hr/>
<b>TOTAL EXPENSES AND DISTRIBUTIONS</b>	3,409,165	6,916,979
<b>INCREASE IN NET ASSETS</b>	13,278,733	22,393,399
<b>NET ASSETS AT BEGINNING OF PERIOD</b>	<hr/>	<hr/>
	152,800,673	130,407,274
<b>NET ASSETS AT END OF PERIOD</b>	<hr/> <hr/>	<hr/> <hr/>
	\$166,079,406	\$152,800,673

**OKLAHOMA CITY COMMUNITY FOUNDATION, INC.**  
*Investment Performance*  
*Pooled Investments*

*Percentage Returns*

	Six Months Ended December 31, 1996	Year Ended June 30, 1996	Three Years Ended June 30, 1996	Five Years Ended June 30, 1996
<b>EQUITIES</b>				
Community Foundation	10.68	26.35	17.60	13.35
Standard & Poor's 500	11.76	26.06	17.21	15.72
Indata Median	12.00	24.54	15.89	15.12
<b>FIXED INCOME</b>				
Community Foundation	4.10	4.60	4.77	7.61
Lehman Int. Gov. Corp.	4.35	5.02	4.99	7.70
Indata Median	4.55	5.12	5.15	8.26
<b>TOTAL FUND</b>				
Community Foundation	7.47	16.62	11.27	10.55
50% S&P/50% Lehman	8.05	15.54	11.17	11.78
Indata Median	8.14	15.40	11.72	12.30

*Results given are for all Community Foundation Funds excluding those in separately invested supporting organizations. Special assets are also excluded. Equity performance is compared to the Standard and Poor's 500 Stock Index; fixed income performance is compared to the Lehman Intermediate Government Corporate Index; total return is compared to an equal weighting of these two. Indata is a universe of investment managers used widely to judge performance.*



Gene Imke

MR. IMKE, PRESIDENT OF IMKE & ASSOCIATES, IS A MEMBER OF NUMEROUS LIFE INSURANCE INDUSTRY ORGANIZATIONS, INCLUDING THE OKLAHOMA CITY ESTATE PLANNING COUNCIL AND THE MILLION DOLLAR ROUND TABLE. HE WAS PREVIOUSLY CHAIR OF THE AMERICAN SOCIETY OF CLU & CHFC ETHICAL GUIDANCE COMMITTEE, AND RECEIVED THE JOURNAL RECORD'S PUBLIC SERVICE AWARD IN 1983.

## Charitable Gifts of Life Insurance

By Gene Imke, CLU

Almost any kind of property can serve as a charitable donation. However, life insurance offers some unique advantages not shared by other types of charitable gifts.

With annual premium life insurance, an individual can make a much more substantial gift of the same outlay than with an annual cash contribution.

A life insurance gift allows a substantial gift to charity without depleting family assets. The gift can be made out of current income or by transferring small amounts of estate assets to make premium payments.

A gift of life insurance is self-completing.

A gift of life insurance is not subject to probate delays, will contests or estate creditors' claims.

A gift of life insurance is not subject to limitations on bequests to charities.

The ownership of the life insurance policy by the charity can provide current benefits to the charity in the form of dividends, loans or withdrawals.

A gift of life insurance can offer a current income tax deduction to the donor for the payment of premiums.

### METHODS OF MAKING A CHARITABLE GIFT OF LIFE INSURANCE

It is relatively easy to make a charitable gift of a life insurance policy. The value of the gift can be tailored to fit the desires and financial strength of the donor and the needs or desires of the charity. Using a life insurance policy allows the

donor to convert a small gift into a substantial capital contribution.

Any type of policy can be used as a charitable gift. The policy can be newly purchased for the purpose, paid-up or an existing policy which still has premiums due. An existing policy which is no longer needed for family protection may be a "hidden asset" available for a charitable gift. The gift may be made during life or at death. The difference is the amount and the timing of the tax deduction resulting from the gift.

The most effective method of making a gift of a life insurance policy is an outright gift of all or some portion of the policy values and benefits. This type of gift requires no special trusts or planning and the transaction can be completed without IRS approval.

The easiest method of using a life insurance policy for a charitable purpose is to name the charity of choice as the beneficiary of some or all of the proceeds of the policy. The donor retains the ownership of the contract and reserves the

right to change the beneficiary to another charity or to some other person or entity for an entirely different purpose. This arrangement does not give the charity current value; therefore, there is no current tax deduction available to the donor. At the death of the insured, the charity receives the proceeds of the policy and the estate of the policy owner receives a charitable estate tax deduction.

A second method of making an outright gift of a life insurance policy is an irrevocable transfer of ownership of the policy. Once this transfer is completed, the policy owner and beneficiary of the contract is the charity. Because the charity receives all contract rights and values, the donor receives a current income tax deduction for the gift. The value of the deduction is the lesser of the interpolated terminal reserve of the policy or the donor's basis in the contract. If the donor of the policy continues to pay the premiums on the contract, the donor can also take a current income tax deduction for each payment made. *continued...*

### CHOICES FOR OUTRIGHT GIFTS OF A LIFE INSURANCE POLICY

EXISTING POLICY	NEW POLICY
IRREVOCABLE	
CHANGE OWNERSHIP & BENEFICIARY TO CHARITY AND DELIVER POLICY TO CHARITY.	APPLY FOR POLICY WITH CHARITY THE ORIGINAL OWNER AND BENEFICIARY.
MAKE ANNUAL TAX DEDUCTIBLE GIFTS TO CHARITY FOR ANY PREMIUMS PAYABLE.	
REVOCABLE	
CHANGE BENEFICIARY TO CHARITY.	PURCHASE NEW POLICY WITH CHARITY AS BENEFICIARY.
MAKE NONDEDUCTIBLE PAYMENTS FOR ANY FUTURE PREMIUMS DIRECTLY TO INSURER.	

Another method of making charitable gifts of life insurance policies or proceeds is accomplished through the use of a revocable trust agreement. This type of gift is useful for clients who wish to divide the gift among several charitable beneficiaries. Because this type of trust is revocable, the donor can change his or her mind and the gift is, therefore, not a completed gift. There is no current income tax deduction for this type of gift. At death, however, the proceeds are payable to the charitable beneficiaries of the trust, and the estate of the donor receives a deduction for the charitable bequest. These trusts are well suited for donors who are not willing to give up ownership or control of the policy. The same thing can be accomplished with properly drafted beneficiary arrangements.

An irrevocable trust is an additional way for making an outright gift of life insurance. This arrangement also can provide for multiple charitable beneficiaries but the trust document and the transfer of the life insurance policies is not revocable or amendable by the donor. This results in a full transfer of the rights in and to the policy and will result in a current income tax deduction. If the charities are the only beneficiaries of the trust, the value of the deduction is the lesser of the policy's interpolated terminal reserve or the donor's basis in the contract.

If the client wishes to establish an irrevocable trust for the benefit of family members as well as charitable beneficiaries, charitable remainder and charitable lead trusts are effective methods of accomplishing a "split" or divided gift. This topic is beyond the scope of this discussion.



#### OTHER IDEAS FOR LIFE INSURANCE POLICIES AND VALUES:

##### DIVIDENDS TO CHARITY

Policy dividends can serve as the donation to a charity. The policy owner changes the dividend option to cash and gives the dividends to the charity.

This technique preserves the policy for family protection and allows for the gift without reducing the current cash flow of the family. The donor, as policyholder, retains control of the policy and retains access to the policy cash values. The arrangement can be terminated at any time.

The tax treatment of this arrangement is relatively simple, also. The dividends are received tax-free to the policy owner until the donor recovers his/her basis in the policy. The gift of the dividends is deductible from the current income tax. These types of gifts have no estate or gift tax implications.

##### DIVIDENDS TO PURCHASE A POLICY FOR CHARITY

Another method is to use the dividends from an existing policy to pay premiums on a new life insurance policy, which names the charity as owner and beneficiary. Once again, the donor retains control of the old policy and the policy values. The income tax treatment is the same as the outright gift of the dividends but the ultimate benefit to the charity can be much larger.

##### GROUP TERM LIFE INSURANCE

An employee must report and pay taxes on the value of group term life insurance provided by an employer in excess of \$50,000. If the employee names a charity as the sole beneficiary of the policy in excess of \$50,000, there is no reportable income to the employee. This technique allows an employee to make a substantial gift of life insurance proceeds to a charity with no out-of-pocket costs.

##### CHARITABLE SPLIT DOLLAR

In general, no current income tax deduction is available for a gift of a partial interest in property to a charitable organization. In addition, the IRS has ruled that no deduction will be allowed for a partial interest in life insurance arranged on a split dollar basis between the taxpayer seeking the deduction and a charity. Therefore, if a policy is written subject to an arrangement which assigns the death benefit to a charity with the cash value retained by the insured, no deduction is allowed for the payment of any part of the premium.

However, split dollar can be used to provide a gift to charity if the plan is properly executed. A split dollar plan should be set up between the employer and the employee who wishes to make the charitable contribution. The employer agrees to pay the entire premium and is entitled to a return of all contributions or the total cash value at the surrender of the policy or the death of the insured. The employee will report the economic benefit or the P.S. 58 costs each year as taxable income.

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"WITH ANNUAL PREMIUM LIFE INSURANCE, AN INDIVIDUAL CAN MAKE A MUCH MORE SUBSTANTIAL GIFT TO CHARITY OF THE SAME OUTLAY THAN WITH AN ANNUAL CASH CONTRIBUTION."

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Once the plan is established, the employee can assign the policy to a charity subject to the split dollar agreement. In this case, the gift to the charity does not represent a partial interest in the policy but the entire interest of the employee. The employee will be entitled to a charitable deduction in the amount of the

economic benefit or P.S. 58 costs. This deduction will offset the reportable income of the split dollar program.

The employer is entitled to recover its premium outlay, so there is no direct cost to the employer, and the employee can deduct an amount equal to the taxable income created by the

employer's payment of the premium. The net result is a substantial charitable contribution at very little cost to either party. ☒

FOR INFORMATION ABOUT  
MORE TAX-SAVING WAYS  
YOUR CLIENTS CAN GIVE TO  
THE COMMUNITY FOUNDATION,  
CALL **NANCY ANTHONY**,  
EXECUTIVE DIRECTOR,  
AT **405/235-5603**.

APPLICATION GUIDELINES FOR LIFE INSURANCE IN CHARITABLE GIVING						
Type of Gift	Applicant	Owner	Beneficiary	Dividends	Cash Values	Notes
Gift of New Policy	Donor*	Charity	Charity	Charity	Charity	<ul style="list-style-type: none"> <li>•Alternative to regular cash gifts</li> <li>•Premiums paid by donor are deductible</li> <li>•No estate or gift taxes</li> <li>•Premiums should be paid through the charity</li> </ul>
Gift of Existing Policy	Donor	Charity	Charity	Charity	Charity	<ul style="list-style-type: none"> <li>•Advantageous way to dispose of "surplus" life insurance</li> <li>•Policy must be absolutely and irrevocably assigned to charity</li> <li>•Deduction for lesser of basis in or value of policy &amp; future premiums (when paid)</li> <li>•Future premiums should be paid through charity</li> </ul>
Charitable Beneficiary Designation	Donor	Donor	Charity	Donor	Donor	<ul style="list-style-type: none"> <li>•Alternative to standard charitable bequest</li> <li>•Estate tax deduction for proceeds paid to charity</li> <li>•Revocable designation is preferable</li> <li>•Avoids Probate costs</li> </ul>
Gifts of Dividends	Donor	Donor	Selected by donor	Received by donor but donated to charity	Donor	<ul style="list-style-type: none"> <li>•Donor retains all incidents of ownership</li> <li>•Better for donor to take dividends in cash rather than assigning dividend rights</li> </ul>
Gift of Annuity	Donor*	Charity	Charity	If participating annuity, charity will receive dividends	Charity	<ul style="list-style-type: none"> <li>•New or existing annuity must be absolutely assigned to charity</li> <li>•Deduction of premiums paid or replacement cost (whichever is less)</li> </ul>
Gift of Excess Group-Term Insurance	Employer or Trustee (on behalf of group member)	Employer or Trust	Charity named as beneficiary of part or all of coverage over \$50,000	N/A	N/A	<ul style="list-style-type: none"> <li>•Donor will not pay tax on Table I or PS58 cost on portion of coverage payable to charity</li> <li>•Charity may be revocable or irrevocable beneficiary</li> <li>•Charity must be beneficiary for entire year</li> </ul>

\* For new life insurance or annuities, it is recommended that charity be both owner and applicant.

## More on Estate Planning with Retirement Plan Benefits

By Jon H. Trudgeon

MR. TRUDGEON, AN ATTORNEY WITH SPECK, PHILBIN, FLEIG, TRUDGEON & LUTZ, HAS WRITTEN NUMEROUS ARTICLES ON TAX-EXEMPT ORGANIZATIONS AND QUALIFIED RETIREMENT PLANS. HE WROTE AN ARTICLE ON ESTATE PLANNING WITH RETIREMENT PLAN BENEFITS FOR OUR MAY ISSUE. DUE TO A CHANGE IN THE LAW, HE HAS PROVIDED US WITH THIS UPDATE.

In a recent article we discussed the tax advantages of structuring retirement benefits to spread the benefits over life expectancies and for gifts to charity. We indicated that in most cases the account owner's objectives can best be met by deferring the distribution to put off income taxes as long as possible. We also pointed out that it may be preferable to use retirement benefits, which would be taxed to family beneficiaries upon receipt, to satisfy charitable bequests because a charitable organization could avoid the income tax on the distribution.

A recent change in the Internal Revenue Code raises new opportunities, so that the old assumptions are not always the best solution. *The Small Business Act* provides a tax holiday from the 15 percent excise tax on excess distributions for distributions made in

calendar years 1997, 1998, and 1999. Distributions continue to be subject to income tax and, potentially, the 15 percent addition to the estate tax. In addition, the *Act* repealed the five year averaging of lump sum distributions for years beginning after 1999.

As previously stated, the primary potential for tax savings and economic benefits to be derived from planning distributions from large IRA accounts is through the deferral of tax by spreading the time of distribution, thus, allowing the account to be invested in a tax-sheltered environment as long as possible. In the past, when planning for distributions of substantial amounts, we centered upon the concept of structuring distributions so that distributions could be made from the qualified retirement plan or IRA to the owner's designated beneficiaries over their life expectancies, specifically focusing on the available methods to allow those distributions to be made over the lives of parents and their children.

This involved three basic ideas:

(1) Most retirement account owners name their spouse as the primary beneficiary with the expectancy and understanding that, at the owner's death, the surviving spouse would roll the remaining accumulated benefits to his or her own IRA, and then structure that distribution over the joint life expectancy of the

surviving spouse and that of the children. The disadvantage of this planning is that it is dependent upon the surviving spouse's ability and willingness to so restructure the distributions at the owner's death.

(2) Alternatively, the IRA distributions are structured so that children are designated as beneficiaries, so that distributions, once they begin, will be spread over the joint life expectancy of the account owner and his or her children, probably establishing a separate account for each child.

(3) Finally, the account owner may want to consider designating a Charitable Remainder Trust as the designated beneficiary of the death benefits, and designing the Charitable Remainder Trust so that it provides income to children during their lifetimes.

With the passage of the *Small Business Act*, we should consider the advisability of taking a full and complete lump sum distribution during the three year tax holiday, paying the normal income tax but avoiding the excise tax on excess distributions (and the potential addition to the estate tax) and creating a Charitable Remainder Trust, funded by the after-tax retirement benefits, providing an income stream to the IRA owner and his or her children for life. Projections indicate that under this structure, if at least one life beneficiary lives the full joint

life expectancy, say 35 years or more, the aggregate after-tax total economic benefit available from the distributions from the Charitable Remainder Trust may be substantially more money to the account owner and his or her family than any of the other considered scenarios.

Of course one must consider the possibility that none of the life beneficiaries of the trust will live the requisite period to realize the full potential. An early death will cause the trust assets to go to the charitable beneficiary. Steps can, however, be taken to protect the family against loss of this income stream.

Even if the account owner chooses not to follow these approaches, the tax holiday imposed by the *Small Business Act* brings into play some additional factors for possible planning. The account owner may wish to consider taking a distribution during the "window" period to pare down retirement benefit accumulations to an amount close to the exemption from the 15 percent addition to estate tax on excess retirement accumulations at death, or to pare down the accumulation to a point where future distributions, after the tax holiday window, would not be subject to the 15 percent excise tax. Finally, account owners who were born prior to 1936 will want to consider the effects of the availability of income averaging upon a lump sum distribution. ☐



# fund options

## Affiliated Funds offer alternatives for large endowments *Management benefits and tax savings superior to private foundations*



An important element of the Community Foundation's mission is the

development and administration of endowment funds.

Affiliated Funds offer an opportunity for the Community Foundation to work with large endowment funds or grantmaking organizations.

The Internal Revenue Code, through Section 509(a)(3), provides a means through which organizations similar in function and structure to private foundations and charitable trusts may have public charity status by being affiliated with a community foundation.

The minimum amount needed to start an Affiliated Fund is \$500,000. Individuals or groups establishing an Affiliated Fund will find the process easier than starting a private foundation.

The Community Foundation provides all of the investment and administrative support for the funds, maintains all files and records, and complies with all IRS requirements. This provides the continuous oversight that ensures the endowment is managed consistently and that donors' intentions are carried out now and in the future. Careful management maximizes the fund's value and effectiveness, at the lowest possible fee.

Each Affiliated Fund's endowment is invested separately from the general endowment of the Community

Foundation. In addition, each Affiliated Fund has its own board of trustees, with the majority appointed by the Community Foundation and the balance appointed by the donor organization or family. The trustees of the Affiliated Fund make policy decisions and distribute the earnings of the fund for charitable purposes. Community Foundation staff make regular financial reports to the trustees of each fund.

An Affiliated Fund can be an alternative to a private foundation for donors who want to establish a charitable fund and be actively involved in directing the earnings. This type of fund is called a *Distribution Committee Affiliated Fund*.

These funds are a means by which donors can avoid the taxes, expenses and administrative burdens of a private foundation. Because of the lessened reporting requirements and regulations, the Affiliated Fund can reduce the trouble to a donor and increase the income available for charitable purposes.

Because the Community Foundation is not a private foundation, the Affiliated Fund is not subject to excise taxes, payout requirements or restrictions on the types of investments that can be held by the fund. Contributions to an Affiliated Fund by individual donors have greater tax advantages than similar contributions to a private foundation.

Donors and their family

members can serve as trustees and be directly involved in the distribution of earnings from the fund, while the administrative details of each grant can be handled by Community Foundation staff.

The Affiliated Fund retains the identity of the individual or family who created it, and all distributions are identified as from the fund. As the donors and family members become older or less interested in the fund, the policies they have established will be carried out in a consistent manner.

Alternatively, the endowment assets of a single non-profit organization can be managed for the organization through an Affiliated Fund. Because the organization is usually the sole beneficiary of the funds, the fund is referred to as a *Designated Beneficiary Affiliated Fund*.

The Community Founda-

tion is uniquely able to help non-profit organizations manage and utilize their endowment funds efficiently and effectively. The Community Foundation invests the endowment assets, provides regular financial reporting on the investment performance of the funds, distributes the income to the organization on a regular basis and works with the organization in developing new donors. The Affiliated Fund provides a means of stable, annual income for the organization, even in times when donations or membership rates may be low.

An organization with an Affiliated Fund at the Community Foundation enjoys professional management and consistent oversight, and benefits from investment and distribution policies that meet the changing needs of the organization. ☐

### CURRENT AFFILIATED FUNDS AT THE OKLAHOMA CITY COMMUNITY FOUNDATION:

ALLIED ARTS FOUNDATION AFFILIATED FUND  
WILLIAM E. AND MARGARET H. DAVIS FAMILY FUND  
DEER CREEK AFFILIATED FUND  
HERITAGE HALL AFFILIATED FUND  
JOHN AND CLAUDIA HOLLIMAN AFFILIATED FUND \*  
KIRKPATRICK CENTER AFFILIATED FUND  
KIRKPATRICK FAMILY AFFILIATED FUND  
LEADERSHIP OKLAHOMA CITY AFFILIATED FUND  
MALZAHN FAMILY AFFILIATED FUND  
NATIONAL COWBOY HALL OF FAME AFFILIATED FUND  
OKLAHOMA AIR SPACE MUSEUM AFFILIATED FUND  
OKLAHOMA CITY ART MUSEUM AFFILIATED FUND  
OKLAHOMA CITY DISASTER RELIEF FUND  
OKLAHOMA PHILHARMONIC AFFILIATED FUND  
OMNIPLEX AFFILIATED FUND  
RURAL OKLAHOMA COMMUNITY FOUNDATION

\*New in 1997

## MISSION STATEMENT

The mission of the Oklahoma City Community Foundation, a non-profit public charity, is to serve the charitable needs of the Oklahoma City area through the development and administration of endowment funds with the goal of preserving capital and enhancing its value for the benefit of the Oklahoma City area.

*The mission will be fulfilled by pursuit of these goals:*

- Provide convenient, efficient, and effective ways through which donors can contribute assets to charitable purposes.
- Encourage donors to create funds which will benefit the community both now and in the future.
- Advocate for the development of endowment funds and provide appropriate means by which permanent endowment funds can be built and wisely managed to provide long-term support.
- Develop the Funds for Oklahoma City, restricted and unrestricted community endowments, which can be used by the Trustees and the community to develop, coordinate, and enhance services and programs which meet the changing needs of the community.

For more information, contact Nancy Anthony at 405/235-5603.

### Board of Trustees

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# LEGISLATIVE UPDATE

## Charities can own Subchapter S stock

Beginning in 1998, all charities can own stock of Subchapter S corporations, which are closely-held corporations that are taxed similarly to a partnership. This ruling is important because many small corporations across the country have elected to be treated as Subchapter S corporations.

However, the charity's share of the corporation's accounting income will be taxed as unrelated business income, including the profit from the sale of the stock.

In addition, the donor of the Subchapter S stock cannot claim a deduction of the full value of the stock, since the deduction must be reduced by certain "ordinary income" assets of the corporation. This is a new opportunity for donors and charities, but it is different from normal stock gifts.

## New law requires expanded public access to form 990

New IRS rules not only require expanded access by an exempt organization to its Form 990 tax return, but also imposes penalties for non-compliance.

The new law requires exempt organizations to provide individual copies of the 990 to anyone making a request in person or by mail. Previously, an organization had only to have a copy of the return available at its main offices, but was not required to provide the requestor with a "take home" copy.

Under the new law, if a request is made in person, the copy must be provided immediately; if by mail, the copy must be provided within 30 days.

Organizations should maintain a public access file to ensure that all required documents are readily available; however, advisers should review these public disclosure copies. Not all schedules need to be included.

## COMMUNITY FOUNDATION WELCOMES NEW TRUSTEE BEN DEMPS

Ben Demps was appointed to the Board of Trustees last July. He is also a Trustee for the Oklahoma City Disaster Relief Fund, an Affiliated Fund of the Community Foundation.

Demps is president and CEO of Setauket Corporation and Demps Enterprises. Previously, he has served as director for the Federal Aviation Administration both in Oklahoma and overseas, as secretary of the Oklahoma Department of Health and Human Services and as director of the Oklahoma Department of Human Services. Demps has received Meritorious Executive Service Awards from Presidents Carter and Bush.

Demps received a juris doctorate from the Oklahoma City University School of Law and a B.A. in political science from the State University of New York. ☒



Oklahoma City

Community  
Foundation

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